

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

SEP 04 2012

David E. Mack,

Plaintiff,

v.

**CAPITAL MANAGEMENT
SERVICES, LP,**

Defendant.

§
§
§
§
§
§
§
§
§
§

Cause No. 4:12-CV-00314

DAVID E. MACK, Plaintiff
BY
DEPUTY

REPORT OF RULE 26(f) PLANNING CONFERENCE

In accordance with the Court's Order to Conduct Rule 26(f) Conference dated July 24, 2012, and the Federal Rules of Civil Procedure, Plaintiff, David Mack (Plaintiff) submits this individual Report of Rule 26(f) Planning and states as follows:

1. **Rule 26(f) Conference:** *There was no Rule 26(f) Conference held between Plaintiff David Mack, proceeding pro se and Kandy Messenger, counsel for Capital Management Services, LP (Defendant) due to the refusal of counsel for Defendant to participate.*

2. **Description of the Case**

A. **Plaintiff's Factual and Legal Contentions:** Plaintiff alleges that Defendant obtained his credit report from Equifax on April 16, 2008 without a permissible purpose or his consent in violation of 15 U.S.C. § 1681 (FCRA) and seeks statutory damages as a result of the actions of Defendant in doing so.

B. Defendant's Factual and Legal Contentions: See Defendant's answer filed with the court (Docket 10).

3. **Jurisdictional Basis:** Federal Question Jurisdiction, 28 U.S.C. § 1331.
4. **Initial Disclosures:** The parties will complete the initial mandatory disclosures by **September 17, 2012** as required by this Court's July 24, 2012 Order.
5. **Related Cases:** None.
6. **Proposed Scheduling Order Deadlines:**
 - (1) Deadline for Motions to Transfer: **September 24, 2012.**
 - (2) Deadline to add parties: **October 29, 2012.**
 - (3) If the parties plan to mediate, state date parties propose: If the parties are unable to settle this matter, they will agree to mediate this matter so long as it continues to be meaningful to do so and after time for some discovery on or before **February 11, 2013.**
 - (4) Plaintiff's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b): **November 19, 2012.**
 - (5) Deadline for Plaintiff to file amended pleadings: **October 22, 2012.**
 - (6) Defendant's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b): **December 3, 2012.**
 - (7) Deadline to object to any other party's expert witnesses is **6 weeks** after disclosure of an expert is made.
 - (8) Deadline for Defendant's final amended pleadings: **November 15, 2012.**
 - (9) Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions: **June 3, 2013.**
 - (10) All discovery shall be commenced in time to be completed by **April 8, 2013.**
 - (11) Notice of intent to offer certified records: **August 12, 2013.**

- (12) Counsel and unrepresented parties are responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order and Joint Proposed Jury Instructions and Verdict Form by **August 12, 2013.**
- (13) Video deposition designations are due by **August 19, 2013.**
- (14) Motions in limine are due by **August 28, 2013.**
- (15) Responses to motions in limine, objections to witnesses, deposition extracts and exhibits listed in the pre-trial order are due by **September 9, 2013.**
- (16) The parties will file the proposed jury instructions/form of verdict by **September 16, 2013.**

7. **Mediation:** If the parties are unable to settle this matter, they will agree to mediate this matter so long as it continues to be meaningful to do so and after time for some discovery.

8. **Identity of Persons Expected to be Deposed:**

A. **Plaintiff:** Depositions to be taken by Plaintiff will be determined by persons identified in discovery who may possess knowledge of relevant facts.

B. **Defendant:** No information.

9. **Any Issues Relating to Disclosure or Discovery of Electronically Stored Information:** None at this time but subject to future information disclosed in discovery.

10. **Whether any Other Orders Should be Entered by the Court Pursuant to Fed. R. Civ. P. 26(c), 16(b) or 16(c):** None at this time.

11. **Expected Length of Trial:** Plaintiff anticipates trial will take 2-3 days.


12. **Attorneys Appearing on Behalf of the Parties at the Management Conference:** Conference attempted by Plaintiff but refused by counsel for Defendant.

David Mack 7720 McCallum Boulevard #2099 Dallas, TX 75252 Plaintiff, pro se	No conference attendance by counsel for Defendant
---	--

13. Any Other Matters Counsel Deems Appropriate for Inclusion in the Conference Report: None

Dated this 4th day of September, 2012.

Respectfully Submitted,



David Mack
7720 McCallum Boulevard #2099
Dallas, TX 75252
mack2001@swbell.net

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the document above was sent to the parties listed below by first class mail USPS.

Dated September 4,, 2012

A handwritten signature in black ink, appearing to read 'David E Mack', written over a horizontal line.

David E Mack

Kandy Messenger
SPROTT RIGBY NEWSOM ROBBINS,
& LUNCEFORD, P.C.
2211 Norfolk, Suite 1150
Houston, TX 77098